

United States District Court
Central District of California

TIMOTHY MOYER et al.

Plaintiffs,

v.

J.P. MORGAN CHASE BANK, N.A.,

Defendant.

Case № 5:23-cv-00998-ODW (SHKx)

**ORDER DENYING MOTION TO
DISMISS AS MOOT [13]**

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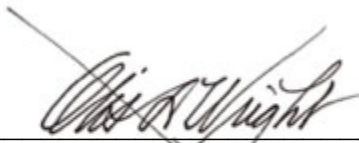
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1 On September 1, 2023, Defendant J.P. Morgan Chase Bank, N.A. served
2 Plaintiffs Timothy Robert Moyer and Phyllis Rae Wright with a Federal Rule of Civil
3 Procedure 12(b)(6) motion to dismiss in this case. (ECF No. 13.) On September 26,
4 2023, Plaintiffs filed a First Amended Complaint, twenty-one days after Defendant
5 filed its motion. (ECF No. 19.) Federal Rule of Civil Procedure 15(a)(1) allows
6 Plaintiffs to file an amended complaint once as a matter of course within twenty-one
7 days of service with a Rule 12(b) motion. Therefore, Plaintiffs' amended complaint
8 was authorized. As the pending motion to dismiss was based on a complaint that is no
9 longer operative, the motion is **DENIED** as **MOOT**. *See Ramirez v. Cnty. of San*
10 *Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015).

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12 **IT IS SO ORDERED.**

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14 September 27, 2023

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17 **OTIS D. WRIGHT, II**
18 **UNITED STATES DISTRICT JUDGE**
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